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C O N F I D E N T I A L SECTION 01 OF 03 KUALA LUMPUR 001145

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DEPARTMENT FOR EAP/MTS AND G/TIP

E.O. 12958: DECL: 07/16/2017  
TAGS: [PREL](#) [PHUM](#) [PGOV](#) [ELAB](#) [KCRM](#) [KWMN](#) [MY](#)  
SUBJECT: EMBASSY SENIOR-LEVEL ENGAGEMENT ON TRAFFICKING IN  
PERSONS

Classified By: Ambassador Christopher LaFleur for reasons  
1.4 (b & d).

¶1. (C) Summary: Senior Malaysian officials are still smarting over the U.S. decision to rank Malaysia in TIP Tier 3 but they have expressed much more willingness to discuss the issue quietly than they did in the immediate aftermath of the USG decision of June 12. We have engaged with senior officials fairly intensively over the past week, and, while they reply with pointed complaints about the perceived arrogance of the U.S. decision, they also tell us that the GOM is in the process of gazetting the new anti-TIP law and opening shelters for TIP victims. They nevertheless advise against a visit to Kuala Lumpur by Ambassador Lagon before September on the grounds that it will look like the GOM is caving to the Americans. We have urged the Malaysians to move out smartly in gazetting the law and opening the shelters. Meanwhile, we believe there are opportunities for GOM capacity building in trafficking, and we will be coordinating with our Malaysian counterparts and with Washington on what might be possible. End Summary.

Deputy Prime Minister Najib on TIP  
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¶2. (C) The Ambassador told Najib that we put Malaysia in Tier 3 because the GOM had not done much to address the problem over the past two to three years. He reviewed what we knew of the statistics that defined the TIP problem in Malaysia and explained that the administration must provide an interim report to congress on what steps Malaysia has taken since the June release of the TIP report. A negative interim report could negatively affect military exchanges and other non-trade related programs supporting the bilateral relationship, the Ambassador said, also expressing the hope that Malaysia could find a way to move forward on TIP between now and September. He urged that Malaysia gazette the new anti-TIP law, establish the TIP commission called for in the law, and open a shelter as soon as possible.

¶3. (C) The Deputy PM replied that as far as he knew, the U.S. was the only country that "passed judgment on and punished" other countries on issues like this. "This is a great source of discomfort in our bilateral relations," he added, "as no country likes to be judged. He continued that the American decision had made Malaysian leaders "very uncomfortable," but he was working to diffuse its effects on the relationship, and he hoped he could limit the spillover. He said he would look further into where the GOM is on implementing the new law but that he had heard that the GOM was now looking at technical issues related to its text.

¶4. (C) Najib acknowledged Malaysia had a TIP problem and agreed with the Ambassador that we share the same goal in wanting to address this problem. He continued that in other

areas, such as our military-to-military relationship, our bilateral relations are improving and that Malaysia was close to closing a deal on a large purchase of U.S. Colt M-4 assault rifles. The TIP issue could complicate purchases such as this. Doing this kind of business with the U.S. has lots of imponderables, Najib concluded, unlike doing business with other suppliers. Again, he said, the TIP decision had been a source of discomfort in bilateral relations, but he also acknowledged that we have to manage this problem.

15. (U) The Ambassador plans to discuss TIP with Minister in the Prime Minister's Department Nazri on July 17.

Ministry of Foreign Affairs  
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16. (C) DCM engaged Dep Sec Gen II, Ambassador Tan Seng Sung in a discussion of TIP on July 12. DCM explained that he believed the Tier 3 designation had been made because Malaysia had done little to alleviate the TIP problem during the reporting period ending in March; the GOM had told the Embassy little about its plans for the new anti-TIP law during that period; and Malaysia had promised to open a shelter two years ago but had not followed through. The U.S. was not pursuing a hidden political agenda in making the tier ranking designation. We had not made the decision because we had failed to reach agreement on a FTA, for example. Tan asked if we had made the decision "because of the Malaysian Ambassador in Washington," to which question the DCM replied that Ambassador Rajmah was known to speak her mind, but the decision was based solely on an assessment of GOM actions to resolve the TIP problem. (DCM had told Tan in a mid-June conversation that he thought the Malaysian Embassy in Washington could have done a better job explaining Malaysian TIP-related activities to the State Department. Tan at the

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time replied that he did not know which side his Ambassador in Washington was on with regard to this issue.)

17. (C) Tan indicated that he did not have authorization to meet with us but felt it necessary to do so for the sake of the bilateral relationship. The U.S. was once again dictating its values to a small country, Tan said. He had reviewed all of our tier rankings and had concluded that the U.S. had focused unjustly on Islamic countries this year and that this impression had filtered out to the Malaysian public. The American TIP decision was extremely sensitive politically in Kuala Lumpur, he explained, especially given PM Abdullah's reputation for being too pro-American and too close to President Bush. An election is coming up, Tan intoned, and this issue is just too sensitive for the GOM to be seen by the public to be caving on to the Americans between now and September. He added that the public reaction will be so negative that if the U.S. imposes sanctions on Malaysia it will be even more difficult for the GOM to move forward on TIP. Tan commented that, like his minister had commented to the press, Malaysia did not care about America's "nonhumanitarian, nontrade related foreign assistance" and that he did not care about our military training assistance and scholarships for Malaysians either. They did not need US assistance.

18. (C) The DCM explained the 90 day review process required by our law and the possibility that sanctions could be levied on Malaysia if the GOM failed to make significant efforts between now and August, when we would have to start putting our report together. He said he thought it had been G/TIP Ambassador Lagon's intention to provide a report during his proposed late-June visit to Kuala Lumpur. Tan replied that it would have been politically impossible for Amb. Lagon to visit KL so soon after the tier-ranking decision, indicating further that if the GOM is going take measures between now and September in response to U.S. requirements it could not do so with any public fanfare for fear of further inflaming public opinion. He recommended against an Amb. Lagon visit

to KL before September on this basis.

¶9. (C) The DCM said that he could not speak authoritatively, but he thought that if the GOM gazetted the new law and opened a shelter, that would be taken as a good sign. It would also be desirable if the GOM named the commission established in the new law and arrested some traffickers. Tan said he thought that it would not take long for the GOM to gazette the new law but he refused to say when that might be. We asked how soon after the law was signed would it be gazetted, and Tan replied that it would be between 2 and 4 weeks. Current plans were to open a shelter for women by the middle of July and a shelter for children victims by the middle of August, but construction contractors don't go by political schedules, and delays could take place, Tan said. He claimed he was hesitant to share those timelines with us, fearing that the U.S. side would pocket the news and turn these into hard deadlines. He also pointed out that the DCM could give no definitive account of what the U.S. required between now and September in order for Malaysia to get relief and expressed the belief that the U.S. would "raise the bar" on the GOM. Tan concluded that he felt certain that Malaysia could open the shelters and gazette the new law before the interim review in mid to late August, but that if the U.S. expected more to happen, it was not realistic.

¶10. (C) The DCM explained that he did not want the TIP issue to affect overall bilateral relations and that if Malaysia wanted the same we would have to work together to create the basis for a review in September that does not result in sanctions. When we commented that Women's Minister Shahrizat had offered to meet and discuss TIP with the Ambassador when they met at the U.S. July 4 reception but that the Minister had yet to arrange an appointment and she planned to travel to Paris this weekend. Tan expressed the desire to set up an interagency meeting at MFA to discuss trafficking, cautioning, however, that, given the press of events and the difficulties of scheduling, it might not happen until August. Tan agreed to meet again with the DCM and discuss this issue, and he said he would advise us if he could set up the interagency meeting.

#### Other Discussants

¶11. (C) Poloff discussed TIP training with the DirGen of the Judicial and Legal Training Institute during our July 4 reception. She expressed a willingness to work with us to plan courses to address the concepts codified in the new TIP law. We will meet with her again to follow up on her commitment to train the front-line prosecutors and magistrates. Separately, DCM and PolCouns raised TIP with

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the Home Affairs SecGen and the Immigration DirGen on July 3. They responded positively to including immigration officials in future TIP training on such subjects as victim identification. We are following up with ICITAP/Jakarta to make use of the facility to conduct training for law enforcement personnel. The Malaysian police in Sarawak will host a July 17-19 conference with Indonesian law enforcement personnel focused on improving operational cross-border cooperation between Malaysia and Indonesia to better combat trafficking in persons. Malaysian immigration officials will also participate. DOJ/ICITAP and the French government are supporting the conference and providing expert speakers.  
LAFLEUR